

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District - Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal), Rules, 1991 – Articles Of Charge – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG. II) DEPARTMENT

G.O. Rt. No. 348

Dt: 04-03-2013

Read:-

- (1) Govt. Memo. No. 18764/Vig.II/A1/2012-2 PR & RD Dept., Dt. 14.11.2012
- (2) From the ENC, PR, Lr. No. Vig. I (1)/9052/12, Dt. 14.12.2012

ORDER

It is proposed to hold an inquiry against Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained, are also enclosed (Annexure-II and Annexure-III).

3. Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District is directed to submit within 10 days from the receipt of this order, a written statement of his defence.

4. Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 or the orders/directions issued in pursuance of the said rules, the Inquiry Authority may hold the inquiry against him ex parte.

6. Attention of Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Encl: Annexure I to III

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVT (PR)

To

(1) Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District
through the Engineer-in-Chief (PR), Hyderabad.

(2) The Engineer-in-Chief(PR), Hyderabad – with a request to serve the memo., to the individual and return the dated acknowledgment copy to Govt.

(3) Copy to Estt-I Section for information

(4) SF/SC.

SECTION OFFICER

ANNEXURE – I
**STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI B. KRISHNA MURTHY,
ASSISTANT ENGINEER, PR, PIU, PONDURU, SRIKAKULAM DISTRICT**

Article:

That the said Sri B. Krishna Murthy, Assistant Engineer, PR, PIU, Ponduru, Srikakulam District while working as Assistant Engineer, PR, PI, Ponduru, Srikakulam District has failed to discharge his duties in framing of estimate specification and executing the item of gravel and recording the same as quarry rubbish, not properly followed the procedures prescribed for departmental execution, not recording vouchers as per the actual expenditure incurred and recording the finished item of work and claiming the bill as if the work was executed by a private contractor and for not maintaining rolls for labour payment.

Basis of the Charge:-

The V&E officials have conducted enquiry on the allegations of irregularities in execution of "Raising/leveling of site near Tahsildar Office, Hiramandalam, Srikakulam District under R&R grant and made the following findings.

Findings of the V&E:

1. The District Collector, Srikakulam vide proceedings, dated. 2.9.2009 accorded Administrative Sanction for the work "Leveling of Government land for an extent of Ac. 6.00 at backside of Tahsildar's office, Hiramandalam (V)" at an estimate cost of Rs. 50.00 lakhs stating that cost of land in Hiramandalam is high and the beneficiaries are willing to settle in Hiramandalam, provided the land mentioned above is leveled and handed over to them.
2. The District Collector, Srikakulam vide proceedings, dated. 18.9.2009 permitted the Executive Engineer, PIU Division, Srikakulam, to take up the work by departmental execution duly following the departmental procedures. The reasons mentioned for departmental execution in the proceedings are that inviting tenders, entrustment will take considerable time and the work is of urgent nature. Usually, entrustment of work for execution will be done after the Technical Sanction of relevant estimate. But, the District Collector, Srikakulam has given permission to execute the work departmentally prior to Technical Sanction of estimate. As per para 150 of AP DSS, departmental execution of work by the employment of daily labour is one of the methods to carry out works. The method is to be adopted, in case where no Contractors are available or where, for other reasons it is found economical. The action of Collector does not warrant any of the situation mentioned above. The fact that the proceedings were issued in 18.9.2009 for taking up work departmentally, the Technical Sanction was accorded on 2.2.2010 (after 4.5 months) and work was completed in 3/2010 proves that the work is not of urgent nature. Because of the delay, the very purpose of avoiding tenders and taking work under Departmental execution in view of urgency is defeated. The Collector's action in directly permitting the Executive Engineer by passing the Superintending Engineer is incorrect and permitting department execution without calling for tenders is also hasty. The urgency mentioned by the Collector in proceedings is also not justified as the situation does not demand such action. Even, the work is also of not urgent in nature as the houses cannot be constructed in the filled up area as the soils are to be settled which takes long time.
3. The estimate is based on levels taken by the Assistant Engineer and the filling level is proposed as 97.900 (average Height of filling 1.30m). The filling is proposed with quarry rubbish proposed to be conveyed from Mettur quarry with 10 KMS lead and the quantity proposed is 22,695 cum at the rate of Rs. 211.50 per cum. In the estimate provision of 4% for VAT is made, even though, departmental execution was proposed which is not necessary in the light of departmental execution. The lead provided in the estimate is verified and found shortest and correct. The filled material was tested and observed to be poorly graded gravel. Even though, the soil filled is gravel, it was mentioned as quarry rubbish in the estimate. In the Measurement book also, the same was recorded as quarry rubbish which is not correct. As per the SSR the cost of gravel is Rs. 55.00 per cum and that of quarry rubbish is Rs. 25.00 per cum. Though in the sanctioned estimate and MB, Quarry rubbish is mentioned, the actual filling is done with the gravel and hence cost of gravel is more than the quarry rubbish there is no loss of exchequer to the Government except improper framing of the specification in estimate and MB for which field officers are responsible.

4. The Superintending Engineer, Panchayat Raj, Srikakulam has not checked measured the said work either while in execution or before making payment which is against the norms. However, Sri B. Appala Naidu, Executive Engineer, PIU, Srikakulam has checked measured the work before payment. Since, he is holding the additional charge of the post of Superintending Engineer, PR, Srikakulam his check measurement can be considered that of Superintending Engineer.

5. The Pre-levels and final levels were taken by Assistant Engineer, Panchayat Raj, Hiramandalam before and after execution of work. The Dy. Executive Engineer, PR, Hiramandalam has ticked the said levels at some points and made initials on the said LF Book in token of check measurement, instead of taking levels independently. Hence, it is an improper check measurement by the Dy. Executive Engineer, PR, Hiramandalam, the lapse for which he is responsible.

6. The Quality Control Wing of PR Department has not verified the work. Since the value of work is Rs. 50.00 lakhs and the work is of Departmental execution, the inspection by the QC wing is mandatory and making payment without QC inspection is irregular, for which lapse the Executive Engineer is responsible.

7. The Assistant Engineer has not taken any advance for executing the work departmentally and the cash payment was made by him for the entire work after the work is completed. The concerned Dy. E.E. and A.E. have stated that the vehicle owners have agreed for conveying and filling the quarry rubbish and to receive the payments after completion of work. The Assistant Engineer has not recorded the voucher payments in M. Book for arriving the comparative cost between departmental execution and execution by private agency and the same are not available in the Division office as they are said to have been sent to the Accountant General through PAO, Srikakulam. The Executive Engineer has given payment to the Assistant Engineer by accepting the finished measurements recorded in M. Book without recording the vouchers. The Executive Engineer has not insisted for the voucher recordings and not arrived at the comparative cost in view of departmental execution and simply accepted the recordings for finished quantity and paid Rs. 43,82,478/- vide Cheque No. 005051, dt. 3.3.2010 to the Assistant Engineer, PIU, Ponduru for the expenditure he has already incurred. Accordingly, the work was executed and payments were made after release of bill. It is hard to believe that the Assistant Engineer has executed the work departmentally without taking advances and without obtaining vouchers and without making payments, since the value of work is nearly Rs. 43.00 lakhs.

8. The site was filled with gravel and consolidated with 8-10T power roller to a height at 1.30 mts during 02/2010. Even though, the SBC of the soil is 15.50T/Sqm. The foundations of the structures that are permanent in nature are to be rested on natural soils instead of filled up soils which will increase the cost of structures. This aspect has to be considered whenever the permanent buildings are taken up.

9. The procedure in payment for Departmental execution work is not proper on the following aspects:

- i) Allowing payment without recording quantity received through voucher payment for the quarry rubbish supplied to the site.
- ii) For not insisting quotations regarding proof of best bargain rate for that particular item of work.
- iii) For not insisting comparative cost between departmental execution and executing the work on nomination.
- iv) For not recording vouchers as per the actual expenditure incurred and not comparing said expenditure details with reference to field quantity of work executed at estimated rates.
- v) For making payment of Rs. 1,35,525/- towards VAT even though no work Contractor involved in execution of work.
- vi) Recording the finished item of work and claiming the bill as if the work was executed by a private contractor
- vii) For not maintaining the musters in support of payments made to labour.

Therefore, Sri B. Krishna Murthy, Assistant Engineer, has failed to discharge his legitimate duties properly and executed substandard work. Thus his action is in violation of APICS (Conduct) Rules, 1964.

Hence, this Charge.

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVT (PR)

SECTION OFFICER

ANNEXURE – II

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. KRISHNA MURTHY, ASSISTANT ENGINEER, PR, PIU, PONDURU, SRIKAKULAM DISTRICT ARE PROPOSED TO BE SUSTAINED

Vigilance Report No. 68 (C. No. 621/V&E/E1/2010), Dated. 25.07.2012

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVT (PR)

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI B. KRISHNA MURTHY, ASSISTANT ENGINEER, PR, PIU, PONDURU, SRIKAKULAM DISTRICT ARE PROPOSED TO BE SUSTAINED

-- NIL—

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVT (PR)

SECTION OFFICER